

AMENDED IN SENATE JULY 17, 2003

AMENDED IN SENATE JULY 15, 2003

AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 1133**

**Introduced by Assembly Member Koretz**

February 21, 2003

---

An act to add Section 241 to the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1133, as amended, Koretz. Employment.

Under existing law, an employee or the Labor Commissioner may bring an action against an employer for nonpayment of wages and penalties. An employee who brings this action is entitled to recover costs and attorney's fees.

This bill would provide that if a judgment for unpaid wages or penalties remains unsatisfied for 6 months after the judgment becomes final, ~~the amount of the judgment doubles a penalty equal to the amount of the judgment is applied~~, and *the judgment* then doubles again for each additional 6-month period the judgment remains unsatisfied, up to a maximum of 4 times. An employee or the Labor Commissioner may recover costs and attorney's fees for enforcing a judgment under this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 241 is added to the Labor Code, to read:

2 241. (a) If any judgment for nonpayment of wages or  
3 penalties entered against an employer for a violation of any  
4 provision of this part remains unsatisfied for a period of six months  
5 after the time to appeal therefrom has expired or any appeal  
6 therefrom has been concluded, ~~the amount of the judgment is~~  
7 ~~doubled~~ *a penalty equal to the amount of the judgment shall be*  
8 *applied.*

9 (b) Thereafter, for each additional six-month period the  
10 judgment remains unsatisfied, the amount of the judgment is again  
11 doubled *as a penalty*. In no case shall the initial award be doubled  
12 more than four times.

13 (c) The court shall award costs and reasonable attorney's fees  
14 to the judgment creditor or the Labor Commissioner as assignee  
15 of the judgment creditor who enforces a judgment entered  
16 pursuant to this section.

17 (d) *The penalty provided in this section is in addition to any*  
18 *applicable interest provided for under existing law.*

